

Notice of Allowability

Application No.

10/533,824

Examiner

Sanza L. McClendon

Applicant(s)

ALLARD ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/16/2007.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Sanza L McClendon
Examiner
Art Unit: 1796

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on 10/16/2007, the examiner has carefully considered the amendments. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claims 1-30 has been overcome by the amendment and has hereby been withdrawn for consideration.

Allowable Subject Matter

2. Claims 1-30 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art, alone or in combination, fails to teach and/or fairly suggest a liquid coating material in the form of a water in oil dispersion which is cured with actinic radiation, is substantially or completely free of organic solvent and has a pH < 5 comprising components (A) to (D) as found in instant claim 1 as essential components. The prior art, such as US 5,385,960 to Emmons et al, sets forth a coating composition comprising an aqueous dispersion of a titanium oxide pigment dispersed in an aqueous dispersion of latex particles. Said latex particles are acrylic particles having at least one dihydrogen phosphate functional group. The acrylic particles having said dihydrogen phosphate functional groups can be in admixture with phosphoric acid diesters of 2-hydroxyethyl acrylate. Said coating composition can also comprise other additives such as film forming polymers and/or resin and other conventional coating additives. The difference between Emmons et al and the instant invention is Emmons et al teaches said coating should have an alkaline pH verses a pH of less than 5 as instantly claims. Another difference is Emmons et al does not require a pigment that is acidic and based on polyphosphoric acid, even though other pigments are envisioned within the teachings of Emmons et al. Lastly, Emmons et al is silent with regard to radiation curability of the coating composition. JP 08-060048 sets forth coating compositions comprising a mixture of acrylic modified pyrophosphates and mono-phosphate ester. Said compositions can comprise a pigment, an alkyd resin and/or other film former components, as well as, be radiation curable. While JP 08-060084 teaches that water can be used as a solvent is silent with regards to a water-in-oil emulsion and also silent with regard to the pH of the composition. US 7,268,171 to Tanaka et al sets forth radiation curable compositions comprising an aqueous composition having a resin having a phosphate group and an ethylenically

unsaturated group. However the reference is silent to a pH less than 5 and an acidic pigment based on polyphosphoric acid. Therefore the instantly claimed composition, process of preparing said composition and coated articles comprising the cured coating composition is distinguished over the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 17, please delete "A polyester as set forth" in line 1 of the preamble and replace with "**The coating material as set forth in**".

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/533,824
Art Unit: 1796

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sanza L. McClendon
Examiner
Art Unit 1796
1/8/00

SMc